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June 9, 2014

Mr. Jason M. Sneed  
610 Jetton Street  
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VIA EMAIL: [JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)

Re: CHIROCAROLINA Service Mark  
Our Ref: CHCF9001

Dear Mr. Sneed:

Our firm represents Dr. Richard Williams. We have been provided with a copy of your April 10, 2014 correspondence regarding your concern over the trademarks used by Charlotte Chiropractic Clinic and Chiro-Carolina Family and Sports Care, PLLC.

Please be advised that we do not agree with your assertion that our client's mark is likely to cause confusion with your client's mark or to cause consumers to associate CHIRO-CAROLINA FAMILY AND SPORTS CARE with Charlotte Chiropractic Clinic.

To our count, there are over a dozen trademarks in use by others for chiropractic services across North Carolina that have also adopted some combination of the terms "Chiro" or "Chiropractic" and "Carolina" in the mark, including, CAROLINA CHIROPRACTIC CENTER, and CAROLINA FAMILY CHIROPRACTIC—both located in Charlotte, as well as a CAROLINA CHIROCARE, located in Raleigh.

Many of the chiropractic business across the state using marks with these shared terms, are also located in Charlotte and the surrounding area, and are likewise closer to you in proximity than our client's Taylorsville business. As you are aware, consumers in a crowded market are familiar with looking at differences in logo designs, added terms, and other differences in the marks to distinguish

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one business' services from another. Especially, as the law has acknowledged, when deciding between services as important as healthcare.

For at least these reasons, we are confident there is no likelihood of confusion. We are also not aware of any instances of actual confusion in the marketplace between the parties. We assume you are similarly unaware of any such confusion—as is expected given that the two businesses are not located in the same city, and consumers looking for chiropractic healthcare are sophisticated consumers, and would use a heightened degree of care when deciding between these services, and which further eliminates the possibility of confusion.

Furthermore, you indicate in your letter that Charlotte Chiropractic Clinic has been using the CHIROCAROLINA mark since 2009. Our preliminary investigation revealed a date of first use of 2013, which is verified on your client's website. It also appears that your client uses different iterations of CHIROCAROLINA when displaying the mark, including hyphenating and not hyphenating the mark. These inconsistent uses along with the discrepancy of the actual date first use of the CHIROCAROLINA mark, makes it unclear to us what rights your client may be claiming.

While we would be willing to engage in reasonable discussions concerning continued co-existence in a crowded field where there is some level of shared geographic and descriptive terms, we trust upon further reflection, you will find the potential for consumer confusion is quite low if not actually non-existent. We await your further comments.

Sincerely,

*Jennifer T. Anderson*

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